IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE JURISIDICTION

CONTEMPT PETITION NO.47 OF 2003
IN
WRIT PETITION NO. 3368 OF 1998

Shri.Vaidya Vasudeva V. Vyas ..Petitioner

Vs.

Vaidya A.B.Dharmadhikari and Ors. ...Respondents Contemnors

...

Ms.Ragini Rao for Mihir Desai for Petitioner
Mr.D.A.Patil AGP for Respondent

...

CORAM : B.H.MARLAPALLE,J.

DATE : FEBRUARY 25,2005

P.C.:

1. Heard Ms.Ragini Rao with Mr.Mihir Desai, the learned counsel for the petitioner and Mr.Patil, the learned A.G.P.

2. The main allegation in this petition is that though the respondent-State authorities have released the payment of legal dues of superannuation, the interest payable from August 2000 to January, 2001 consequent to the order passed by this Court in W.P.No.3368 of 1990 on 13.7.1990, has not been paid and thus the order has been wilfully violated.

3. The Principal Secretary, Medical Education and Drugs Department Govt. of Maharashtra, has filed affidavit in reply and has stated that an amount of Rs.9,15,555/- has been released towards full pension, gratuity and other legal dues including 18% interest thereon. It is further clarified that the interest has been paid upto 31.7.2000 because till that date the petitioner was being paid provisional pension and for the period from August 2000 onwards the petitioner was paid full pension. Thus, the petitioner's contention that he is entitled for interest at the rate of 18% per annum from August 2000 to January, 2001 has been disputed by the respondents on the ground that full pension for the said period has already been paid to the petitioner. This controversy can be gone into in the pending petition i.e. writ petition no. 3368 of 1998 when it is decided finally and as at present, there is no prima facie case of wilful disobedience of the interim order passed by this Court on 13.7.1998.

4. Contempt Petition is therefore, rejected.

[B.H.MARLAPALLE,J.]